Cedar County Board of Supervisors
Remediation Plan
15FC:0041

On May 28, 2015, Mary Swan filed a complaint alleging that the Cedar County Board of Supervisors (BOS) violated Iowa Code section 21.4 by holding a meeting on April 30, 2015, without appropriate notice. As evidence of this violation, she provided a copy of the agenda and minutes for the meeting, as well as a newspaper article covering the meeting and her letter to the editor.

The information provided in the supplemental documents show that the BOS determined that an emergency matter prevented 24 hour notice. Conversations with various individuals involved (the auditor and the Iowa OSHA representative) created questions over whether the meeting was truly an emergency and whether the notice could have been posted the day prior to the meeting.

The BOS did not notify the auditor of the planned attendance of a majority of the BOS until less than two hours prior to the meeting. A majority of the BOS was not required to attend the discussion involving OSHA. When it was apparent that a majority of the BOS would be in attendance, the auditor then posted notice of the BOS meeting. The BOS could have avoided the situation be either notifying the auditor earlier of planned attendance by a majority or limiting BOS attendance to less than a majority.

Iowa Code section 23.9 requires the Iowa Public Information Board (IPIB) to "promptly work with the parties, through employees of the board, to reach an informal, expeditious resolution of the complaint." Therefore, the parties agree that the following remediation plan is appropriate:

A. All members of the Cedar County Board of Supervisors (BOS) will review the power point presentation on the Iowa Public Information Board (IPIB) website, "Iowa Sunshine Laws".

B. All members of the Cedar County BOS will receive and review a copy of the 2015 Iowa Open Meetings, Open Records Handbook prepared by the Iowa Freedom of Information Council for future use, provided by the IPIB.

C. All members of the Cedar County BOS will certify attendance at an in-person training concerning Chapters 21 and 22 with a presenter approved by the IPIB.

D. The Cedar County Board of Supervisors denies it violated Iowa Code Section 21.4 under the circumstances it faced on April 30, 2015, and contends it complied with the provisions of Iowa Code Section 21.4(2)(a,b) under the "substantial compliance" standards of the Iowa Supreme Court. The Iowa Public Information Board and the complainant contend otherwise. This Remedial Plan is therefore offered to avoid the risks of litigation. The Board will amend the minutes of the emergency meeting to more clearly document the basis for the emergency meeting as provided in Iowa Code section 21.4(2)(b).

E. The actions taken by the Board of Supervisors at their April 30, 2015 meeting will not be voided by the signing of this Remedial Plan.

F. No fines will be assessed against the members of the Board of Supervisors by the signing of this Remedial Plan.

G. No attorney fees will be awarded by the signing of this Remedial Plan.

H. The Cedar County BOS will approve this plan at a BOS meeting and publish the minutes pursuant to Iowa law.

The above provisions shall be completed by September 30, 2015, and provide documentation of compliance by October 5, 2015. Upon successful completion of the remediation plan, the IPIB shall dismiss the complaint as resolved with no additional sanctions.

THIS REMEDIAL PLAN HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING:

Mary Swan — 9-5-15

Mary Swan, complainant — Date

Cedar County Board of Supervisors — Date

Jeff Kaufmann — 9-1-15

Jon Bell — 9-1-15

Dawn Smith — 9-1-15

Brad Gaul — 9-1-15

IPIB

Suzan Stewart, Chair — 09/17/15

Iowa Public Information Board

In re the Matter of: Mary Swan, complainant And concerning: Cedar County Board of Supervisors	Case Numbers: 15FC:0041 REPORT

RE: Formal Complaint 15FC:0041, filed by Mary Swan and concerning the Cedar County Board of Supervisors.

This matter comes before the Iowa Public Information Board (IPIB) this 17th day of September, 2015, to consider a Remediation Plan entered into by Mary Swan and the Cedar County Board of Supervisors.

Both parties approved the proposed Remediation Plan.

Therefore, the IPIB approves the Remediation Plan as presented and directs the Chairman of the IPIB to sign the Remediation Plan on behalf of the IPIB.

The IPIB will review compliance by the City at the October 15, 2015 meeting of the IPIB.

So ordered this 17th day of September, 2015.

IPIB Chair